



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

MONDAY, July 7, 2003

The Chief Clerk makes the following entries under the above date:

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 168** offered by Representative Albers.

Assembly amendment 1 to **Assembly Bill 369** offered by Representative McCormick.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 01-081

Relating to the control of mercury emissions to address the atmospheric deposition of mercury.

Submitted by Department of Natural Resources.

Report received from Agency, July 2, 2003.

To committee on **Natural Resources**.

Referred on July 7, 2003.

Assembly Clearinghouse Rule 02-048

Relating to the small and abandoned dam removal grant program.

Submitted by Department of Natural Resources.

Report received from Agency, July 2, 2003.

To committee on **Natural Resources**.

Referred on July 7, 2003.

Assembly Clearinghouse Rule 03-023

Relating to the licensure and regulation of perfusionists.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 30, 2003.

To committee on **Public Health**.

Referred on July 7, 2003.

Assembly Clearinghouse Rule 03-027

Relating to clean water fund program financial assistance.

Submitted by Department of Natural Resources.

Report received from Agency, July 2, 2003.

To committee on **Natural Resources**.

Referred on July 7, 2003.

Assembly Clearinghouse Rule 03-030

Relating to captive wildlife.

Submitted by Department of Natural Resources.

Report received from Agency, July 2, 2003.

To committee on **Natural Resources**.

Referred on July 7, 2003.

Assembly Clearinghouse Rule 03-038

Relating to requiring primary insurers and self-insurers to provide notice to the patients compensation fund of the filing of out-of-state medical malpractice action against an insured Wisconsin health care provider within 60 days of the primary insurer or self-insurer's first notice of the filing of the action.

Submitted by Office of Commissioner of Insurance.

Report received from Agency, June 25, 2003.

To committee on **Insurance**.

Referred on June 30, 2003.

Assembly Clearinghouse Rule 03-045

Relating to the imposition of rental charges at regional transitional housing sites under the veterans assistance program.

Submitted by Department of Veterans Affairs.

Report received from Agency, June 26, 2003.

To committee on **Veterans and Military Affairs**.

Referred on July 7, 2003.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 427

Relating to: the display of historical registration plates on special interest vehicles that are 20 or more years old and providing a penalty.

By Representatives Petrowski, Owens, Albers, Wasserman, Hines, Van Roy and Hahn; cosponsored by Senator Roessler.

To committee on **Transportation**.

Assembly Bill 428

Relating to: the reporting of child abuse or neglect, and actions related to sexual exploitation brought against members of the clergy and religious organizations.

By Representatives Krusick, Gundrum, Gard, Balow, Berceau, Boyle, Coggs, Colon, Grothman, Gunderson, Hines, Hubler, Jeskewitz, Kestell, Kreibich, McCormick, Morris, Owens, Poca, Powers, Richards, Sherman, Sinicki, Stone, Suder, Taylor, Travis, Turner, J. Wood, Young and Zepnick;

cosponsored by Senators Darling, A. Lasee, Roessler and Stepp.

To committee on **Judiciary**.

Assembly Bill 429

Relating to: the right to discovery in implied consent cases involving drunk driving.

By Representatives Staskunas, Stone, Hahn, Huber, Hundertmark, Vukmir and Bies; cosponsored by Senator Stepp.

To committee on **Highway Safety**.

Assembly Bill 430

Relating to: authorizing the payment of different prices to milk producers based on specified criteria.

By Representatives Ward, Ott, Albers, Bies, Freese, Gard, Gronemus, Grothman, Gunderson, Hahn, Hines, Hundertmark, Kestell, M. Lehman, Montgomery, Musser, Nass, Olsen, Towns, Van Roy, Weber and Petrowski; cosponsored by Senators S. Fitzgerald, Schultz, Kedzie, A. Lasee and Roessler.

To committee on **Agriculture**.

Assembly Bill 431

Relating to: a county's tax levy for library services.

By Representatives Gottlieb, Albers, Nass, Hines, Jensen, Gielow, Friske and Grothman; cosponsored by Senator Darling.

To committee on **Ways and Means**.

Assembly Bill 432

Relating to: registration and designation of snowmobiles that were manufactured before a certain date.

By Representatives Pettis, Musser, Hines, Gronemus and Freese; cosponsored by Senators A. Lasee, Kedzie, Schultz, Zien, Stepp and Lazich.

To committee on **Natural Resources**.

COMMITTEE REPORTS

The committee on **Judiciary** reports and recommends:

Assembly Bill 107

Relating to: eliminating recovery for persons injured while involved in a felony.

Assembly Substitute Amendment 1 adoption:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Grothman, Kerkman, Staskunas and Hebl.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Grothman, Kerkman, Staskunas and Hebl.

Noes: 0.

To committee on **Rules**.

Assembly Bill 142

Relating to: the authority of attorneys to issue subpoenas.

Assembly Substitute Amendment 1 adoption:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Grothman, Kerkman, Staskunas and Hebl.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Grothman, Kerkman, Staskunas and Hebl.

Noes: 0.

To committee on **Rules**.

Assembly Bill 273

Relating to: allowing municipal courts to hold refusal hearings.

Passage:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Grothman, Kerkman, Staskunas and Hebl.

Noes: 0.

To committee on **Rules**.

Assembly Bill 346

Relating to: garnishment of the income of a minor.

Passage:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Grothman, Kerkman, Staskunas and Hebl.

Noes: 0.

To committee on **Rules**.

Senate Bill 38

Relating to: eliminating recovery for persons injured while involved in a felony.

Assembly Substitute Amendment 1 adoption:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Grothman, Kerkman, Staskunas and Hebl.

Noes: 0.

Concurrence as amended:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Grothman, Kerkman, Staskunas and Hebl.

Noes: 0.

To committee on **Rules**.

MARK GUNDRUM
Chairperson
Committee on Judiciary

COMMUNICATIONS

State of Wisconsin
Revisor of Statutes Bureau
Madison

DATE: July 1, 2003

TO: Patrick E. Fuller
Assembly Chief Clerk

Donald J. Schneider
Senate Chief Clerk

FROM: Gary L. Poulson
Deputy Revisor of Statutes

SUBJECT: Rules published in the June 30, 2003,
Wisconsin Administrative [Register, No. 570](#).

The following rules have been published:

Clearinghouse Rule 01-077 effective 7-1-2003
Clearinghouse Rule 02-115 effective 7-1-2003
Clearinghouse Rule 02-134 effective 7-1-2003
Clearinghouse Rule 02-142 effective 7-1-2003
Clearinghouse Rule 02-153 effective 7-1-2003

State of Wisconsin
Joint Legislative Council
Madison

June 23, 2002

Mr. Patrick Fuller
Assembly Chief Clerk
17 West Main Suite 208
Madison, WI 53703

Dear Patrick:

I am pleased to transmit to you the following report to the 2003 Legislature on legislation introduced by the Joint Legislative Council:

RL 2003-02 Special Committee on State-Tribal
Relations

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available in the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at www.legis.state.wi.us/lc/reports_by_topic.htm.

Sincerely,
TERRY C. ANDERSON
Director

June 30, 2003

Patrick Fuller
Assembly Chief Clerk
Room 208, Justice Building
Madison, WI

Dear Mr. Fuller:

I was excused for a portion of the day on June 25, 2003, and was unable to vote on some items. I am writing to inform you of how I would have cast my vote had I been in attendance at the time of the vote.

On tabling **Assembly substitute amendment 1 to Senate Bill 77**, authored by Senator Darling re: Milwaukee Public School System unfounded pension liability refinancing: "Yes".

On adoption of **Assembly substitute amendment 1 to Senate Bill 77**, authored by Senator Darling re: Milwaukee

Public School System unfounded pension liability refinancing: "No".

On concurrence of **Senate Bill 173** re: the agricultural producer security program, granting rule-making authority, and making an appropriation: "Yes".

On concurrence of **Senate Bill 206** re: changes to levy limits related to towns, certain cities or villages, and 1st class cities: "Yes".

If you have any questions on this please call me.

Sincerely,
ANTHONY J. STASKUNAS
State Representative
15th Assembly District

July 2, 2003

Patrick Fuller
Assembly Chief Clerk
17 West Main Street
Madison, WI 53708

Dear Patrick:

Please remove my name as a co-author of **Assembly Bill 415**, relating to sales of motor vehicle fuel that are exempt from the requirements of the Unfair Sales Act.

Should you have any questions about this matter, please feel free to contact my office.

Sincerely,
MARK PETTIS
State Representative
28th Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

June 30, 2003

To the Honorable, the Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of May 2003.

On May 30, 2003, the **Recycling Fund** cash balance closed at a negative \$3.4 million. The negative balance was due to the difference in the timing of revenues and expenditures.

The Recycling Fund shortfall was not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,
MARC J. MAROTTA
Secretary

Referred to committee on **Ways and Means**.

State of Wisconsin
Department of Public Instruction
Madison

June 30, 2003

To the Honorable, the Legislature:

Administrative rules were promulgated in July 2001 that amended eligibility criteria for cognitive disabilities (CD), specific learning disabilities (SDL), emotional behavioral disabilities (EBD), speech or language impairment (S/L), visual impairment (VI) and hearing impairment (HI). At the request of the Assembly Education Committee, the Department of Public Instruction also promulgated PI 11.37, Wisconsin Administrative Rules, requiring the department to conduct a study of the effect of the modification of special

education eligibility criteria and report to the appropriate standing committees of the legislature.

Revised rules relating to the identification of a child with a disability went into effect July 1, 2001 (Chapter [PI 11](#), Wisconsin Administrative Code). Specifically, revised eligibility criteria were established for the areas of (1) specific learning disability, (2) emotional behavioral disability, (3) cognitive disability, (4) speech and language impairment, (5) hearing impairment, and (6) visual impairment. As part of the rules promulgation process, the Wisconsin Legislature required the Department of Public Instruction (DPI) to conduct a study of the effects of the modifications of special education eligibility criteria (PI 11.37(2)). A preliminary report to the Assembly and Senate Education Committees is due on June 30, 2003, and a final report shall be submitted by June 30, 2005.

If you have any questions about the report or would like to discuss the findings, please do not hesitate to contact the department. The report will be posted on the Special Education Team website and distributed upon request. We look forward to continuing to work with you and other stakeholders to improve services for all children, including children with disabilities. Thank you.

Sincerely,
STEPHANIE J. PETSKA, PH.D.
Director, Special Education

Referred to committee on **Education**.